

I.C.R. 24. Trial Jurors

Idaho Criminal Rule 24. Trial Jurors.

(a) Opening statements to the entire jury panel. The parties may, with the court's consent, present brief opening statements to the entire jury panel, prior to voir dire. On its own motion, the court may require counsel to do so. Following such statements, if any, the court shall conduct a thorough examination of prospective jurors

(b) Examination. Voir dire examination of the prospective jurors drawn from the jury panel shall first be conducted by the court. The attorney for the plaintiff, and then the attorney for the defendant, and then the attorney for each other party to the action shall then be permitted to propound questions to prospective jurors concerning their qualifications to sit as jurors in the action. The voir dire examination shall be under the supervision of the court and subject to such limitations as the court may prescribe in the furtherance of justice and the expeditious disposition of the case. Any question propounded by an attorney to a prospective juror which is not directly relevant to the qualifications of the juror, or is not reasonably calculated to discover the possible existence of a ground for challenge, or has been previously answered, shall be disallowed by the court upon objection or upon the court's own initiative. Challenges for cause may be made by an attorney at any time while questioning a prospective juror, or not later than the conclusion of all questions propounded to an individual prospective juror, or the prospective jury if questioned as a whole, except that a challenge for cause may be permitted by the court at a later time upon a showing of good cause. Challenges for cause, as provided by law, must be tried by the court. The challenged juror, and any other person, may be examined as a witness on the trial of the challenge. Whenever a juror is excused by the court in sustaining a challenge for cause, the clerk shall immediately draw another name from the jury panel to fill the vacancy. There shall be no limit upon the number of challenges which may be made for cause by any party, and it shall not be necessary for any co-parties to join in making such challenges. Unless otherwise stipulated in the record by all parties to the action, the entire voir dire examination of all prospective jurors and the court's rulings on all challenges shall be reported verbatim.

(c) Peremptory challenges. If the offense charged is punishable by death, or life imprisonment, each side, state or defense, regardless of the number of defendants, is entitled to ten (10) peremptory challenges. In all other felony cases each side, state or defense, regardless of the number of defendants, is entitled to six (6) peremptory challenges and in all misdemeanor cases each side, state or defense, regardless of the number of defendants, is entitled to four (4) peremptory challenges. In the event,

(1) there are co-defendants and the court determines that there is a conflict of interest between or among the co-defendants, or

(2) if there be alternate jurors, the court may allow any or all of the parties additional peremptory challenges and permit them to be exercised separately or jointly. Any party who waives a peremptory challenge shall be deemed to have waived only that particular peremptory challenge and may subsequently exercise any of that party's remaining challenges as to any juror, provided, if all parties consecutively waive their peremptory challenge, the trial jury shall be deemed accepted by the parties and any remaining peremptory challenges are waived.

(d) Additional jurors.

(1) Selection. The court may direct that one (1) or more jurors in addition to the regular panel be called and impaneled to sit as jurors. All jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges prior to deliberations. If more than one additional juror is called, each party is entitled to two (2) peremptory challenges in addition to those otherwise allowed by law; provided, however, that if only one additional juror is called, each party shall be entitled to one (1) peremptory challenge in addition to those otherwise provided by law. At the conclusion of closing arguments, jurors exceeding the number required of a regular panel shall be removed by lot. Those removed by lot may be discharged after the jury retires to consider its verdict, unless the court otherwise directs as provided below.

(2) Jurors removed by lot. If the court determines that those jurors removed by lot must be available to replace any jurors who may be excused during deliberations due to death, illness or otherwise as determined by the court, then the bailiff, sheriff or other person appointed by the court shall take custody of the removed jurors until discharged by the court; however, if the jury has not been sequestered then the jurors removed by lot may be released by the court with appropriate instructions. In the event a deliberating juror is removed, the court shall order the juror discharged and draw the name of an alternate juror who shall then take the discharged juror's place in the deliberations. The court shall instruct the panel to set aside and disregard all past deliberations and begin anew with the new juror as a member of the panel.

(3) Disability of juror. If at any time a juror dies or becomes ill, or upon other good cause shown to the court that the juror is found to be unable to perform jury duty, or if a juror requests a discharge and good cause appears therefor, the court may order the juror to be discharged and draw the name of an alternate juror who shall then take the discharged juror's place in the jury box and be subject to the same rules and regulations as though the juror had been selected as one (1) of the jurors.

(e) Use of a struck jury. The court may, in its discretion, cause a panel of jurors to be questioned and passed for cause in a number equal to the number of jurors and alternates required for the final jury and an additional number equal to the number of peremptory challenges of the parties. Such prospective jurors when chosen shall be seated in such manner as to be designated numerically with the lower numbered jurors constituting the initial panel and alternate jurors, and the subsequent numbered jurors becoming the replacement jurors in the event any of the jurors of the original panel are removed by a peremptory challenge.

(Adopted December 27, 1979, effective July 1, 1980; amended March 20, 1985, effective July 1, 1985; amended June 26, 1985, effective July 1, 1985; amended March 28, 1986, effective July 1, 1986; amended June 15, 1987, effective November 1, 1987; amended March 23, 1990, effective July 1, 1990; amended February 10, 1993, effective July 1, 1993; amended May 4, 2001, effective July 1, 2001; amended April 19, 2002, effective July 1, 2002; amended April 22, 2004, effective July 1, 2004)

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